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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,678	08/29/2003	Slawomir K. Ilnicki	10031069-1	2557

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

EXAMINER

PHAM, BRENDA H

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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10/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/652,678

Applicant(s)

ILNICKI ET AL.

Examiner

Brenda Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 7 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-12 are currently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 8-10 are rejected under 35 U.S.C 102(e) as being anticipated by Goldsack et al (US 6,831,890 B1).

Regarding claim 1, Goldsack et al disclose a method of discovering policies in an abstracted routing element comprising:

tapping ingress and egress information at a plurality of connections to the element,

filtering ingress and egress information at the taps,

collecting the filtered ingress and egress information from the taps,

correlating the collected ingress and egress information, and

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discovering policies used in the abstracted routing element from the correlated ingress and egress information (see figure 1, col. 2 & 4, line 1-15, 20-26, respectively.).

Regarding claim 2 where the abstracted routing element is an autonomous system (see figure 1).

Regarding claim 3, where the abstracted routing element is a combination of Autonomous Systems and networks (see figure 1).

Regarding claim 4, Goldsack et al further teach where the policies discovered include routing policies (col. 2, lines 10-13).

Regarding claim 5, 8-10, Goldsack et al further teach where the routing policies are discovered by comparing prefixes advertised at ingress points with prefixed disseminated at egress points (figure 1 shows the comparing of Timestamps & sequence number of selected packet at ingress and Timestamps & sequence numbers of selected packets, also see col. 5, lines 15-20).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6, is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldsack et al (US 6,831,890 B1).

Regarding claim 6, as explained in the rejection statement of claim 1 (parent claim), Goldsack et al disclose all claimed limitations recited in claim 1. Although Goldsack et al does not teach policies discovered include damping policies, this limitation is well known in the art. It is well known that BGP route flap damping as described in Request for Comments (RFC 2439) has been proposed as a solution to route flaps.

It would have been obvious to one skilled in the art at the time of the invention was made to implement damping policies using method teaching by Goldsack et al.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldsack et al (US 6,831,890 B1) in view of Mangipudi et al (US 7,124,188 B2).

Regarding claim 11, Goldsack et al disclose all claimed limitation recited in claim 1 (parent claim). Goldsack et al does not teach access control providing limited access to discovered policies based on predetermined access classes. This limitation is teach by Mangipudi et al. Mangipudi et al teach a method and apparatus for robustly enhanced Class of service at the application layer permits

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highly flexible privilege based access and enables implementation of complex policies and rules for classification and differentiation of services.

It would have been obvious to one skilled in the art at the time of the invention was made to implement step of access control in Goldsack et al with teaching of Mangipudi et al to provide admission control through network.

Response to Arguments

7. Applicant's arguments filed 07/30/07 have been fully considered but they are not persuasive. Applicant argument filed 07/30/07 that "Goldsack provides absolutely no teaching or suggestion that "ingress and egress information" can or should be tapped or used for the purpose of "discovering policies" of a network. Examiner respectfully disagrees because Goldsack indeed teaches the arguable claimed feature. Goldsack teaches tapping at ingress 16 and egress 18. Information such as timestamp and sequence numbers of selected packets are filtering from the taps (16 and 18). The collected information (timestamps and sequence number) is correlating at correlator 28. The correlated timestamps are used to determine parameters indicative of the performance of the network. The Examiner interpreted the "correlated timestamps are used to determine parameters indicative of the network" as "discovering policies from the correlated ingress and egress information." The "discovering policies" is not defined in the claim. Therefore, Examiner interpreted it as "the determine parameters indicative of the network".

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Examiner believes Goldsack teaches all the claimed features in the rejected claims. Therefore, the rejection stands.

Allowable Subject Matter

8. Claims 7 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art made of record fails to teach in combination analyzing the collected ingress information to detect flapping at an ingress point, and analyzing the collected egress information to observe how an egress router reacts to the detected flapping.

The prior art made of record fails to teach or fairly suggests in combination access control providing limited access to the comparison of discovered policies with predetermined policies based on predetermined access classes.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory

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period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

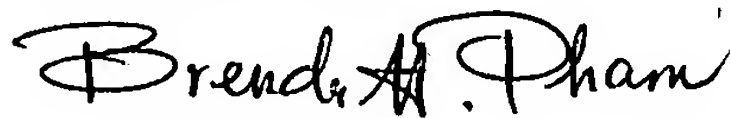
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild, can be reached on (571) 272-2092.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

September 18, 2007

Brenda Pham



**BRENDA PHAM
PRIMARY EXAMINER**